## REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner's confirmation that applicant's certified priority documents have been received is incomplete in that another check mark needs to be added to a box on the Office Action Summary page. A copy of a certified copy of the priority document is attached. Complete confirmation of such receipt in writing is respectfully requested.

Also attached for the Examiner's information is a copy of the EPO 10/10/2003 examination report which relies, in turn, on PCT IPER issued 26/10/2000 and ISR dated 02/02/2000 (a copy of both of which are also attached).

As requested by the Examiner, the specification has been amended so as to insert the usual headings throughout. The rejection of claims 1-6 under 35 U.S.C. §101 is respectfully traversed.

The Examiner alleges that claims 1-6 fail to recite "any hardware necessary to render the claims tangible". However, independent claim 1, for example, very clearly recites hardware in the form of "a message store..." and "an overload controller...". Of course, as those in the art will readily appreciate, both hardware and software are typically associated with a messaging platform, and in most embodiments, at least some of the functionality of such hardware would be determined by associated computer software. In any event, claims 1-6 are well within the realm of statutory subject matter under 35 U.S.C. §101.

The rejection of claims 1-17 under 35 U.S.C. §102(e) based on Gallant et al. '466 is respectfully traversed.

Applicant's claimed invention provides overload control for a messaging platform – not just merely threshold/maximum fill levels for individual mailboxes that might reside on that platform.

By contrast, insofar as relevant, Gallant et al. '466 teaches a conventional voice mailbox system wherein each voice mailbox on the messaging platform has some threshold alarm and/or maximum capacity. While Gallant et al. '466 tries to minimize signaling traffic to remote cellular phones concerning the current fill-status of a corresponding voice mailbox, this does not provide any meaningful overload control for the messaging platform as a whole.

To help emphasize this major and fundamental distinction between the applicant's claimed invention and any conceivable teaching or suggestion of Gallant et al. '466, the claims have been amended above so as to require overload control of the control interface that is arranged to control communication of control signals between the messaging platform and a plurality of service providers. At best, the only "overload control" practiced or suggested by Gallant et al. '466 is a maximum fill-threshold for an individual mailbox associated with an individual cell phone customer. As will be explained in more detail below, Gallant et al. '466 offers absolutely no suggestion of any kind for controlling the load on the control interface to the messaging platform itself in the manner now being claimed.

In particular, Gallant does not consider overloading the control interface of the messaging platform due to a plurality of service providers having mailboxes stored on the messaging

platform seeking to access the messaging platform in the manner of the applicant's claimed invention. Instead, Gallant is directed towards minimizing the number of notifications sent to a subscriber (and end user) regarding the status of the user's mailbox with a view to minimizing communication traffic in the network (see Column 1, lines 63 to 66, and Column 2, lines 10 to 13). Figure 1 of Gallant shows a public switched network 102 connected to a voicemail system (VMS) 104 which has a mailbox 112 for each subscriber to the voicemail service. Column 5, lines 12 to 18 indicates the VMS 103 sends a single notification to each user for a plurality of selected status changes of mailbox 112 that occurs in the optimized mode of operation. In Gallant, communications are directed from the VMS 104 to alert each user as to the status of their mailbox. Nothing in Gallant considers what would happen if several users simultaneously were seeking to use a control interface of the messaging platform, or what mechanisms could be implemented to ensure that the control interface of the messaging platform was not overloaded in such circumstances. Gallant only considers notifications from the VMS to the subscriber, not controlling overload conditions resulting from parties accessing the control interface (see applicant's specification on page 4, lines 16 to 18).

Gallant (column 5, lines 12 to 18) indicates that in Figure 1, traffic on the network can be minimized by optimizing the mode of operation of the voicemail system 103 to send just a single communication to the personal communications device 118 (i.e., of a single user) for each of a plurality of selected status changes of mailbox 112 that occurs (for that user). Accordingly to column 4, lines 13 to 15, this optimized mode of operation can be selected in one of three ways. Firstly by the subscriber (i.e., the end user), secondly by being pre-programmed into the personal communication device 118, or finally the voice mail system 103 specifies the optimized mode of

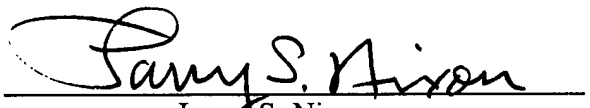
operation either statically or dynamically. All of these methods of optimizing the mode of operation teach a totally different concept to that of the applicant's invention in which the control interface of the messaging platform supporting the voicemail system is controlled to ensure it is not overloaded by too many users simultaneously accessing the control interface of the messaging platform (such as could occur, for example, if several users accessed their voicemail and/or otherwise configuring their voicemail all at once).

In view of the fundamental deficiencies of Gallant '466 with respect to applicant's independent claims, it is not believed necessary at this time to further detail the additional deficiencies of this reference with respect to dependent claims.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

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